

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, JULY 7, 2014**

**I. CALL TO ORDER**

Clerk Mary Clark called the meeting to order at 6:04 p.m.

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Trustee Jeff Hicks, Trustee Dennis Fedewa, Treasurer Howard Pizzo, Trustee, R. Douglas Kosinski, Clerk Mary R. Clark, and Trustee Karen Mojica

Members Absent: Supervisor Ken Fletcher

Others Present: Manager Richard Watkins, Community Development Director Mark Graham, Fire Chief John Clark, Assistant Fire Chief Mike Roman, Parks Recreation and Cemeteries Director Marcus Kirkpatrick, Deputy Manager Jenny Roberts and Sheriff Reich.

TRUSTEE HICKS MOVED TO EXCUSE SUPERVISOR FLETCHER FROM THE JULY 7, 2014 REGULAR BOARD MEETING.

TRUSTEE MOJICA SUPPORTED THE MOTION. THE MOTION PASSED 6-0.

**IV. PRESENTATIONS AND PROCLAMATIONS – NONE.**

**V. SET/ADJUST AGENDA**

TRUSTEE KOSINSKI MOVED TO APPROVE THE AGENDA AS PRESENTED.

TRUSTEE MOJICA SUPPORTED THE MOTION. THE MOTION PASSED 6-0.

**VI. PUBLIC HEARINGS – NONE.**

**VII. COMMUNICATIONS – NONE.**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA** (*maximum two minutes*) – NONE.

**IX. INTRODUCTION OF ORDINANCES** – NONE.

**X. PASSAGE OF ORDINANCES –**

**1. Final Consideration of Amendments to Sidewalk Ordinance –**

The Community Development Department recommends that the Township Board amend the text of the Delta Township Sidewalk Ordinance, being Chapter 34, of the Delta Township Code of Ordinances.

TRUSTEE KOSINSKI MOVED THE DELTA TOWNSHIP BOARD AMEND THE TEXT OF THE DELTA TOWNSHIP SIDEWALK ORDINANCE, BEING CHAPTER 34, OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BE EFFECTIVE UPON PUBLICATION. THE AMENDMENTS ARE AS FOLLOWS:

**DELTA TOWNSHIP SIDEWALK ORDINANCE**

**CHAPTER 34, ARTICLE II, DELTA TOWNSHIP CODE OF ORDINANCES**

**SEC. 34-19. DEFINITIONS.**

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

*ABUTTING OR ADJACENT PROPERTY* MEANS ANY LOT OR PARCEL OF LAND ADJOINING, BORDERING OR TOUCHING A STREET AS DEFINED IN THIS SECTION.

*ADJACENT SIDEWALK* MEANS THAT PORTION OF THE SIDEWALK LOCATED WITHIN THE STREET NEXT TO AN ABUTTING OR ADJACENT PROPERTY AS DEFINED IN THIS SECTION.

*ALTERATION OF EXISTING PRINCIPAL BUILDING* MEANS ANY ALTERATION, CONSTRUCTION OR RECONSTRUCTION RELATED TO AN EXISTING PRINCIPAL BUILDING ~~IN THE TOWNSHIP~~ THAT RESULTS IN A CHANGE IN SAID PRINCIPAL BUILDING OF 25 PERCENT OF THE FLOOR AREA OR MORE, OR THAT RESULTS IN THE REPLACEMENT OF AN EXISTING PRINCIPAL BUILDING.

*BUILDING* MEANS AN ENCLOSED STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS, WALLS, ARCHES OR OTHER DEVICES USED FOR THE HOUSING, SHELTER OR ENCLOSURE OF PERSONS, ANIMALS, CHATTELS OR PROPERTY OF ANY KIND.

**FLAG MEANS A SECTION OF SIDEWALK, TYPICALLY FIVE FEET BY FIVE FEET, BETWEEN EXPANSION JOINTS.**

*PRINCIPAL BUILDING* MEANS A BUILDING IN WHICH IS CONDUCTED THE MAIN OR PRINCIPAL USES OF THE LOT OR PARCEL ON WHICH SAID BUILDING IS LOCATED.

*PRIVATE STREET* MEANS ANY STREET, ROAD OR THOROUGHFARE FOR VEHICULAR TRAFFIC WHICH IS PRIVATELY OWNED OR MAINTAINED AND WHICH PROVIDES THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTIES. A STREET INCLUDES THE LAND BETWEEN THE STREET RIGHT OF WAY LINES, WHETHER IMPROVED OR UNIMPROVED.

*PUBLIC STREET* MEANS A DEDICATED PUBLIC RIGHT OF WAY, WHICH IS A STATE **OR** COUNTY ~~OR MUNICIPAL~~ ROADWAY AFFORDING THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY. A STREET INCLUDES THE LAND BETWEEN THE STREET RIGHT OF WAY LINES, WHETHER IMPROVED OR UNIMPROVED.

*SIDEWALK* MEANS THAT PORTION OF THE STREET RIGHT OF WAY IMPROVED WITH CONCRETE AND DESIGNED FOR ~~PEDESTRIAN-NON-~~ **MOTORIZED** TRAVEL.

*STREET* MEANS A DEDICATED PUBLIC **OR PRIVATE** RIGHT OF WAY ~~WHICH IS A STATE, COUNTY, OR MUNICIPAL ROADWAY~~ AFFORDING THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY. A STREET INCLUDES THE LAND BETWEEN THE STREET RIGHT OF WAY LINES, WHETHER IMPROVED OR UNIMPROVED.

~~SEC. 34-20. VIOLATIONS.~~

- ~~(A) UPON DETERMINATION THAT A VIOLATION OF THE PROVISIONS OF THIS ARTICLE EXISTS, THE PERSONS BELIEVED TO HAVE COMMITTED THE VIOLATION SHALL BE NOTIFIED BY CERTIFIED LETTER OF THE NATURE OF THE VIOLATION. THE NOTICE SHALL SPECIFY THE TIME PERIOD IN WHICH THE PERSON SHALL COME IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. IN NO CASE SHALL THE TIME PERIOD SPECIFIED IN THE NOTICE TO COME IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE EXCEED 90 DAYS.~~
- ~~(B) VIOLATIONS OF THE PROVISIONS OF THIS ARTICLE, OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS, SHALL CONSTITUTE A MISDEMEANOR.~~

- ~~(C) ANY PERSON WHO VIOLATES THIS ARTICLE OR FAILS TO COMPLY WITH ANY OF ITS REQUIREMENTS SHALL BE DEEMED GUILTY OF A MISDEMEANOR.~~
- ~~(D) THE OWNER OF RECORD OR TENANT OF ANY BUILDING, STRUCTURE, PREMISES OR PART THEREOF, AND ANY ARCHITECT, BUILDER, CONTRACTOR, AGENT OR PERSON WHO COMMITS, PARTICIPATES IN, ASSISTS IN OR MAINTAINS SUCH VIOLATION MAY EACH BE FOUND GUILTY OF A SEPARATE OFFENSE AND SUFFER THE PENALTIES HEREIN PROVIDED.~~
- ~~(E) THE IMPOSITION OF ANY FINE, OR JAIL SENTENCE, OR BOTH SHALL NOT EXEMPT THE VIOLATOR FROM COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.~~

SEC. 34-20. PURPOSE.

THE PURPOSE OF THIS ARTICLE IS TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SIDEWALKS FOR THE PUBLIC SAFETY PURSUANT TO THE PROVISIONS OF PUBLIC ACT NO. 359 OF 1947 (MCL 42.1 ET SEQ.).

SEC. 34-21. SIDEWALK CONSTRUCTION REQUIRED.

- (A) ALL OWNERS OF LOTS AND PARCELS ABUTTING DEDICATED PUBLIC STREETS OR PRIVATE STREETS SHALL BE REQUIRED TO CONSTRUCT SIDEWALKS AT THE TIME OF CONSTRUCTION OF ANY NEW PRINCIPAL BUILDINGS, OR AT THE TIME OF ALTERATION OF EXISTING PRINCIPAL BUILDINGS ON SUCH LOTS OR PARCELS. THIS PROVISION SHALL NOT APPLY IN CONJUNCTION WITH THE CONSTRUCTION OR ALTERATION OF PRINCIPAL BUILDINGS ON LOTS OR PARCELS LOCATED WITHIN THE NR, A1, A2, RA, I1, AND I2 ZONING DISTRICTS, OR IN CONJUNCTION WITH THE CONSTRUCTION OF ONE AND TWO FAMILY DWELLINGS ON LOTS OR PARCELS CREATED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE FROM WHICH THIS ARTICLE IS DERIVED. RESIDENTIAL, OFFICE OR COMMERCIAL ZONED LOTS OR PARCELS LOCATED WITHIN SUBDIVISIONS THAT HAVE RECEIVED FINAL PRELIMINARY PLAT APPROVAL PRIOR TO SAID EFFECTIVE DATE SHALL HAVE SIDEWALKS INSTALLED AS REQUIRED BY THE TOWNSHIP BOARD AT THE TIME FINAL PRELIMINARY APPROVAL OF THE SUBDIVISION WAS GRANTED. ADDITIONALLY, RESIDENTIAL, OFFICE OR COMMERCIAL ZONED LOTS OR PARCELS CREATED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE FROM WHICH THIS ARTICLE IS DERIVED SHALL HAVE SIDEWALKS INSTALLED AS REQUIRED BY THE PLANNING COMMISSION, TOWNSHIP BOARD, OR ZONING ADMINISTRATOR AT THE TIME OF FINAL SITE PLAN APPROVAL FOR THE CONSTRUCTION OF

NEW, OR ALTERATION OF EXISTING, PRINCIPAL BUILDINGS ON SUCH LOTS OR PARCELS. SIDEWALKS REQUIRED TO BE CONSTRUCTED PURSUANT TO THIS SECTION SHALL BE INSTALLED WITHIN ONE YEAR OF ISSUANCE OF THE BUILDING PERMIT FOR CONSTRUCTION OR ALTERATION OF ANY PRINCIPAL BUILDINGS ON SAID LOTS OR PARCELS **UNLESS OTHERWISE AUTHORIZED BY THE TOWNSHIP ENGINEER OR THEIR DESIGNEE.** ALL SIDEWALKS CONSTRUCTED SHALL COMPLY WITH THE ~~TOWNSHIP SIDEWALK CONSTRUCTION STANDARDS REFERRED TO IN~~ SECTION 34-27.

- (B) ~~THE TOWNSHIP BOARD MAY, BY RESOLUTION, REQUIRE THE OWNERS OF LOTS AND PARCELS ABUTTING PUBLIC STREET RIGHTS OF WAY, OR PRIVATE STREETS RIGHTS OF WAY, TO CONSTRUCT SIDEWALKS WHERE THE PRESENCE OF SIDEWALKS MAY BE DECLARED BY THE TOWNSHIP BOARD TO BE NECESSARY TO PROVIDE SAFE AND CONVENIENT ROUTES FOR PEDESTRIAN~~ **NON-MOTORIZED** ~~TRAFFIC. SUCH SIDEWALK ROUTES MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, ROUTES BETWEEN RESIDENTIAL AREAS AND ACTIVITY CENTERS SUCH AS SCHOOLS, WITHIN THE TOWNSHIP CENTRAL BUSINESS DISTRICT, AND THOSE ROUTES IDENTIFIED IN THE TOWNSHIP SIDEWALK PLAN. ALL SIDEWALKS CONSTRUCTED SHALL COMPLY WITH THE TOWNSHIP SIDEWALK CONSTRUCTION STANDARDS REFERRED TO IN SECTION 34-26. THE TOWNSHIP BOARD MAY ORDER THE CONSTRUCTION OF THE SIDEWALKS AND ASSESS ALL OR PART OF THE COSTS OF SIDEWALK CONSTRUCTION TO THE ABUTTING PROPERTY OWNERS INVOLVED, OR MAY PERMIT THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR THE CONSTRUCTION OF THE REQUIRED SIDEWALKS ON THEIR OWN IN ACCORDANCE WITH THE TOWNSHIP SIDEWALK CONSTRUCTION STANDARDS REFERRED TO IN SECTION 34-27, AND ANY OTHER SPECIFICATIONS REQUIRED BY THE TOWNSHIP BOARD. THE TOWNSHIP BOARD MAY ALSO CAUSE SIDEWALKS TO BE CONSTRUCTED WITH THE COST OF SAID CONSTRUCTION PAID OUT OF THE CONTINGENT FUND OF THE TOWNSHIP. A RESOLUTION REQUIRING THE CONSTRUCTION OF SIDEWALKS SHALL NOTE THE TIME PERIOD IN DAYS IN WHICH THE OWNERS MUST CONSTRUCT THE REQUIRED SIDEWALK. THE CONSTRUCTION OF ANY SIDEWALK UNDER THIS SECTION SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF PUBLIC ACT NO. 80 OF 1989 (MCL 41.288A), AS AMENDED.~~
- (C) PRIOR TO ADOPTION OF A RESOLUTION REQUIRING SIDEWALKS, THE ~~TOWNSHIP BOARD SHALL HOLD A PUBLIC HEARING. THE TOWNSHIP CLERK SHALL CAUSE NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING TO BE PUBLISHED WITHIN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWNSHIP AT LEAST TEN DAYS PRIOR TO THE DATE OF THE HEARING.~~

- (D) IN ADDITION, ALL ABUTTING PROPERTY OWNERS AFFECTED BY SUCH A RESOLUTION SHALL BE GIVEN DUE NOTICE OF THE PUBLIC HEARING BY THE TOWNSHIP CLERK BY WAY OF REGULAR MAIL AT LEAST TEN DAYS PRIOR TO THE DATE OF THE HEARING. SAID NOTICE SHALL BE PREPARED AND THE PUBLIC HEARING CONDUCTED IN ACCORDANCE WITH MICHIGAN PUBLIC ACTS NO. 64 AND 65 OF 1989 (MCL 211.741 ET SEQ. 205.735).

SEC. 34-22. VARIANCES.

- (A) THE ~~TOWNSHIP~~ BOARD MAY, BY RESOLUTION, AUTHORIZE A VARIANCE FROM THE REQUIREMENTS OF SECTION 34-21 UNDER THE FOLLOWING CIRCUMSTANCES:
- (1) THE ~~TOWNSHIP~~ BOARD SHALL DETERMINE THAT THE PROPOSED VARIANCE WILL NOT IMPAIR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE OF THE ~~INHABITANTS OF THE TOWNSHIP~~ **RESIDENTS**.
  - (2) THE ~~TOWNSHIP~~ BOARD SHALL DETERMINE THAT A STRICT APPLICATION OF SUCH REQUIREMENTS WOULD RESULT IN PRACTICAL DIFFICULTIES TO, OR UNDUE HARDSHIP UPON, THE OWNERS OF SUCH LOTS OR PARCELS. PRACTICAL DIFFICULTIES MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, SEVERE VARIATIONS IN TOPOGRAPHY, UNSUITABLE SOILS OR DIFFICULTY IN PROVIDING SAFE SEPARATION BETWEEN PEDESTRIAN AND VEHICULAR TRAFFIC DUE TO SITE LOCATION, LAYOUT OR EXISTING BUILDING ARRANGEMENTS. THE COST OF INSTALLING A SIDEWALK SHALL NOT CONSTITUTE THE SOLE BASIS FOR AN UNDUE HARDSHIP.
  - (3) A VARIANCE MAY BE GRANTED BY THE BOARD WHEN THE PREPONDERANCE OF LOTS OR PARCELS OF LAND ON THE STREET IN QUESTION ARE ALREADY DEVELOPED WITH NO SIDEWALKS EXISTING, AND ACCORDINGLY THAT A SIDEWALK WOULD NOT LIKELY CONNECT TO ANY OTHER WALK, AND THUS NOT SERVE THE PURPOSE OF A ~~PEDESTRIAN~~ **NON-MOTORIZED TRANSPORTATION** SYSTEM.
- (B) A VARIANCE REQUEST SHALL BE FILED BY THE PROPERTY OWNER OR THEIR DESIGNATED AGENT. AN APPLICATION FOR A VARIANCE SHALL BE SUBMITTED TO THE TOWNSHIP CLERK ON A SPECIAL FORM FOR THAT PURPOSE. APPLICATIONS SHALL BE SUBMITTED AT LEAST TWO WEEKS IN ADVANCE OF A REGULAR MEETING OF THE ~~TOWNSHIP~~ BOARD. A FEE,

AS ESTABLISHED BY THE TOWNSHIP BOARD, SHALL BE SUBMITTED WITH THE VARIANCE APPLICATION.

- (C) ~~THE TOWNSHIP PLANNING~~ **COMMUNITY DEVELOPMENT** DEPARTMENT SHALL ~~HAVE THE RESPONSIBILITY OF PREPARING~~ **PREPARE** A WRITTEN REPORT WHICH SHALL BE SUBMITTED TO THE ~~TOWNSHIP~~ BOARD PRIOR TO THE MEETING AT WHICH THE BOARD WILL CONSIDER A VARIANCE.

SEC. 34-23. REPAIR OF SIDEWALKS.

- (A) IT SHALL, ~~IN ALL CASES,~~ BE THE RESPONSIBILITY OF THE OWNER OF EVERY LOT OR PARCEL OF LAND ~~IN THE TOWNSHIP~~ TO KEEP THE SIDEWALKS ADJACENT TO ~~HIS~~ **THEIR** LOT OR PARCEL IN GOOD REPAIR. SIDEWALKS SHALL BE REPAIRED OR REPLACED WHEN THE CONDITION OF SAME IS DETRIMENTAL TO ~~THE~~ **PUBLIC** SAFETY. ~~OF THE GENERAL PUBLIC.~~ CONDITIONS REQUIRING REPAIR INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
- (1) A RISE OR DROP OF MORE THAN ONE INCH BETWEEN ANY TWO ~~SECTIONS~~ **FLAGS OF SIDEWALKS OR A VERTICAL DISCONTINUITY OF MORE THAN ONE INCH ON ANY FLAG.**
  - (2) MORE THAN TWO CRACKS OF ONE-QUARTER INCH IN WIDTH OR IN ANY TWO LINEAR FEET OF ~~SIDEWALK SECTION~~ **FLAG.**
  - (3) ANY **FLAG** ~~SECTION OF SIDEWALK~~ WHICH IS TILTED IN EXCESS OF ONE INCH PER FOOT FROM INSIDE EDGE TO OUTSIDE EDGE. (THE OUTSIDE EDGE BEING THE EDGE OF THE SIDEWALK NEAREST THE STREET LINE.)
  - (4) IF, IN ANY **FLAG**, ~~FIVE FOOT SECTION OF SIDEWALK,~~ MORE THAN 50 PERCENT OF THE SURFACE HAS SCALED OFF TO A DEPTH OF ONE-QUARTER INCH OR GREATER. ~~THAT SECTION OF THE SIDEWALK SHALL BE REPLACED.~~
  - (5) **AN UNDERMINED FLAG BELOW WHICH THERE IS A VISIBLE VOID CAUSING THE SIDEWALK TO ROCK OR SEESAW.**
  - (6) **ONE OR MORE FLAGS, OR A PORTION OF A FLAG, ARE MISSING DUE TO, BUT NOT LIMITED TO, CONSTRUCTION ACTIVITIES, DRIVEWAY REPAIRS, AND UTILITY REPAIRS AND INSTALLATIONS.**
- (B) WHENEVER THE TOWNSHIP ENGINEER OR ~~THEIR DESIGNEE~~ **THE** ENGINEER'S DESIGNATED AGENT SHALL ~~DETERMINES~~ **THAT AN OWNER OF A LOT OR PARCEL ADJACENT TO A SIDEWALK HAS LEFT THE**

~~SIDEWALK IS- IN A STATE OF DISREPAIR~~ **OR HAS NOT PROPERLY MAINTAINED THE SIDEWALK IN ACCORDANCE WITH SECTION 34-23 (A),** A NOTICE SHALL BE SENT BY REGULAR MAIL TO THE OWNER OF THE ADJACENT LOT OR PARCEL TO REPAIR THE SIDEWALK. THE NOTICE SHALL SPECIFY THE TIME PERIOD WITHIN WHICH SUCH WORK SHALL BE COMMENCED. IN NO CASE SHALL THE TIME PERIOD ALLOWED FOR REPAIR OF A SIDEWALK EXCEED ~~90~~ **30 DAYS UNLESS AUTHORIZED OTHERWISE BY THE TOWNSHIP ENGINEER OR THEIR DESIGNEE.**

- (C) **IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF EVERY LOT OR PARCEL OF LAND TO MAINTAIN THE SIDEWALKS ADJACENT TO THEIR LOT OR PARCEL. SIDEWALKS MUST BE MAINTAINED FREE FROM ENCROACHING OBSTRUCTIONS INCLUDING, BUT NOT LIMITED TO, OVERHANGING TREE LIMBS, BUSHES, VINES, FENCES, WALLS, AND STRUCTURES.**

**SEC. 34-24. SIDEWALK DEFECTS CAUSED BY NEGLIGENCE.**

**THE TOWNSHIP ENGINEER MAY ORDER A SIDEWALK REPAIRED BY PERSONS WHO HAVE CAUSED THE REPAIR TO BE NECESSARY THROUGH THEIR OWN ACTIONS BY EXCAVATING UNDER OR ADJACENT TO THE SIDEWALK, PLACING WEIGHT UPON THE SIDEWALK GREATER THAN ITS DESIGNATED CAPACITY, OR ANY OTHER NEGLIGENT ACT.**

**SEC. 34-25. CONSTRUCTION OR REPAIR BY THE TOWNSHIP.**

~~IF ANY OWNER SHALL FAIL OR NEGLECT TO CONSTRUCT OR REPAIR ANY SIDEWALK ADJACENT TO THEIR LOT OR PARCEL OF LAND WITHIN SUCH TIME AS HEREIN REQUIRED, OR AS MAY BE REQUIRED BY A RESOLUTION OF THE TOWNSHIP BOARD, THE TOWNSHIP BOARD MAY CAUSE THE SAME TO BE DONE IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC ACT NO. 80 OF 1989 (MCL 41.288A), AND THE COST OF SAID CONSTRUCTION OR REPAIR MAY BE PAID OUT OF THE CONTINGENT FUND OF THE TOWNSHIP AND THE TOWNSHIP BOARD MAY PURSUE THE MEANS NECESSARY—~~ **USE ANY LAWFUL MEANS AVAILABLE** TO RECOVER THE COST OF SAID CONSTRUCTION OR REPAIR. ~~FROM THE OWNER.~~

**SEC. 34-26. SIDEWALK PERMITS.**

**A PERMIT IS REQUIRED PRIOR TO BEGINNING CONSTRUCTION, REMOVAL, OR REPAIR OF A SIDEWALK. THE PERMIT SHALL BE IN A FORM PROVIDED BY THE TOWNSHIP ENGINEER.**

**SEC. 34-27. CONSTRUCTION STANDARDS.**



ALL SIDEWALKS HEREAFTER CONSTRUCTED, REPAIRED OR REBUILT SHALL BE CONSTRUCTED, REPAIRED OR REBUILT ACCORDING TO THE TOWNSHIP SIDEWALK CONSTRUCTION STANDARDS AS ADOPTED BY ~~RESOLUTION OF THE TOWNSHIP~~ **THE BOARD**.

SEC. 34-28. AUTHORITY OF TOWNSHIP BOARD.

~~THE TOWNSHIP BOARD, OR THE BOARD'S DESIGNATED OFFICIAL~~ **DESIGNEE**, SHALL HAVE AUTHORITY TO PROVIDE FOR THE CONSTRUCTION OR REPAIR OF SIDEWALKS AS WELL AS THE CLEARANCE OF ICE AND SNOW BY GENERAL CONTRACT, OR IN SUCH OTHER MANNER AS IT SHALL DETERMINE.

SEC. 34-29. ADMINISTRATION.

IT SHALL BE THE RESPONSIBILITY OF THE TOWNSHIP ENGINEER, OR **THEIR DESIGNEE** ~~SUCH PERSON AS THE ENGINEER MAY DESIGNATE, TO SUPERVISE AND CONTROL ALL SIDEWALKS AND THE CONSTRUCTION, REPAIR, AND MAINTENANCE THEREOF, INCLUDING INSPECTION, AND THE ISSUANCE OF APPEARANCE TICKETS IF SO DESIGNATED BY THE TOWNSHIP MANAGER, AND TO ENFORCE THE PROVISIONS OF THIS ARTICLE.~~

~~SEC. 34-30. APPEARANCE TICKETS.~~

~~AFTER A NOTICE OF VIOLATION IS GIVEN TO A PERSON PURSUANT TO SECTION 34-20 AND COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE HAS NOT BEEN OBTAINED, THE TOWNSHIP MANAGER, OR AN OFFICIAL APPOINTED BY THE TOWNSHIP MANAGER, SHALL BE AUTHORIZED TO ISSUE AND SERVE APPEARANCE TICKETS ON ANY PERSON WITH RESPECT TO ANY VIOLATION OF THIS ARTICLE WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED SUCH AN OFFENSE. THIS AUTHORITY IS GRANTED PURSUANT TO PUBLIC ACT NO. 147 OF 1968 (MCL 764.9A ET SEQ.).~~

**SEC. 34-30. VIOLATIONS.**

- (A) VIOLATIONS OF THE PROVISIONS OF THIS ARTICLE, OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS, SHALL BE PUNISHABLE AS A MUNICIPAL CIVIL INFRACTION, SUBJECT TO A FINE IN THE AMOUNT OF \$50.00 IF PAID WITHIN TEN DAYS OF ISSUANCE, OR \$100.00 IF PAID AFTER TEN DAYS OF ISSUANCE.**
- (B) MUNICIPAL CIVIL INFRACTIONS SHALL BE ISSUED AND SERVED TO THE OWNER OF THE PROPERTY UPON WHICH THE VIOLATION HAS OCCURRED.**

- (C) **THE IMPOSITION OF ANY FINE SHALL NOT EXEMPT THE VIOLATOR FROM COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. EACH DAY A VIOLATION REMAINS IN EXISTENCE MAY BE TREATED AS A SEPARATE OFFENSE.**
- (D) **IF ANY FINES AND/OR COSTS ASSOCIATED WITH THIS SECTION ARE NOT PAID, THE CIVIL INFRACTION CITATION MAY BE FILED WITH THE DISTRICT COURT IN ACCORDANCE WITH SECTION 20-22 (G).**
- (E) **THE CIVIL FINE ASSOCIATED WITH THIS SECTION SHALL BE SET FROM TIME TO TIME BY THE BOARD BY RESOLUTION.**

**SEC. 34-31. VIOLATIONS DEEMED MUNICIPAL CIVIL INFRACTION.**

**FOR EACH VIOLATION OF A PROVISION OF THIS ARTICLE, OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS, A TOWNSHIP APPOINTED OFFICIAL SHALL BE AUTHORIZED TO ISSUE AND SERVE A MUNICIPAL CIVIL INFRACTION CITATION, IN ACCORDANCE WITH ARTICLE II OF CHAPTER 20, ON ANY PERSON WITH RESPECT TO A VIOLATION OF THIS ARTICLE WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT PERSON HAS COMMITTED SUCH AN OFFENSE.**

TRUSTEE MOJICA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE FEDEWA, TREASURER PIZZO, TRUSTEE KOSINSKI,  
TRUSTEE HICKS, CLERK CLARK AND TRUSTEE MOJICA.

NAYS: NONE

ABSENT: SUPERVISOR FLETCHER

THE MOTION PASSED 6-0.

**XI. CONSENT AGENDA –**

TRUSTEE HICKS MOVED TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEM #5 – RECOMMENDATION TO APPROVE INTERIM MANAGER EMPLOYMENT CONTACT FOR FURTHER DISCUSSION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE FEDEWA, TRUSTEE HICKS, TRUSTEE KOSINSKI,  
TRUSTEE MOJICA, TREASURER PIZZO, AND CLERK CLARK.

NAYS: NONE

ABSENT: SUPERVISOR FLETCHER

THE MOTION PASSED 6-0.

<b>2. Bills and Financial Transactions</b>	<b>\$1,153,416.59</b>
Bond/Debt Payments	
Investments	
Payroll & Related	247,893.10
Refunds	3,054.50
Tax Distributions	41,125.00
Vendor Claims	861,343.99
Total	\$1,153,416.59

TRUSTEE HICKS MOVED TO APPROVE THE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,153,416.00.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 6-0.

**3. Minutes –** June 16, 2014 Regular Board Meeting Minutes

TRUSTEE HICKS MOVED TO APPROVE THE JUNE 16, 2014 REGULAR BOARD MEETING MINUTES AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 6-0.

**4. Board Resolution to Recognize Manager Watkins Years of Service**

The Township Supervisor recommends that Township Board approve the resolution to recognize Richard Watkins for serving 21 years as the Township Manager.

TRUSTEE HICKS MOVED THE DELTA TOWNSHIP BOARD APPROVE THE RESOLUTION TO RECOGNIZE RICHARD WATKINS FOR SERVING 21 YEARS AS THE TOWNSHIP MANAGER AS FOLLOWS:

The Delta Township Board  
Recognizes  
*Richard Watkins*

*Whereas, Richard Watkins has faithfully served the Charter Township of Delta as the Township Manager since April 19, 1993; and*

*Whereas, Richard Watkins received a Bachelor's Degree in Business Administration from Central Michigan University in 1971 and a Master's Degree in Public Administration from Western Michigan University in 1976; and*

*Whereas, Richard Watkins has a rich history of caring for others as demonstrated by his devotion to his family, including his wife Cathy, children Heather Kersh (Paige Kersh), Amber Watkins-Dumaine (fiancé Timmy Allen), and Scott Watkins (Allison Watkins), and his grandchildren Kylie, Abby, Hunter, Josie, Alexandria, Mccade, Tanner, Kennedy, Chance, and Gage; and*

*Whereas, Richard Watkins was always focused on providing the best possible service to the residents and businesses of Delta Township, emphasizing courteous and friendly treatment by all employees, providing modern technologies, and enhanced fire, police, and recreational services; and*

*Whereas, Richard Watkins was a leading advocate for a viable and modern fire station, addition to the Township Administration Building, and building a new library in the township; and*

*Whereas, Richard Watkins advanced strong fiscal policies including annual capital improvement funding, maintaining a six month operating fund balance, and assuring the best return to the township on investment policies; and*

*Whereas, Richard Watkins was a leading advocate to retain General Motors and Auto-Owners Insurance Company in Delta Township, developing the industrial tract, and regional cooperation.*

*Now, Therefore be it resolved by the Township Board that we hereby commend the meritorious and dedicated service of Richard Watkins to the residents of Delta Township as Township Manager, congratulate him on his retirement, and wish him joy and prosperity in the years ahead.*

*Kenneth Fletcher, Township Supervisor  
Howard Pizzo, Township Treasurer  
Mary Clark, Township Clerk  
Dennis Fedewa, Township Trustee  
Jeffrey Hicks, Township Trustee  
R. Douglas Kosinski, Township Trustee  
Karen Mojica, Township Trustee*

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 6-0.

**XI. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION –**

**5. Recommendation to Approve Interim Manager Employment Contract –**

The Township Supervisor recommends that the Township Board approve the Interim Manager Employment Contract between Richard Watkins and Delta Township.

TRUSTEE HICKS MOVED TO APPROVE THE CONTRACT WITH THE CHANGES PREVIOUSLY CIRCULATED TO THE BOARD AND MANAGER WATKINS.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

A brief discussion took place regarding emailing documents and the ability to view them properly through the current software/notebooks and the like.

Trustee Mojica inquired about the 20 hours/week average. Manager Watkins responded he would be available when outside the office via phone and computer/email as he has been in the past.

MOTION PASSED 6 TO 0.

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA –**

**XIV. ITEMS OF BUSINESS**

**6. Recommendation to Approve Professional Services Contract for Mt. Hope Park**

The Parks Department recommends that the Township Board approve the contact with CA2E Consulting Services to determine the best use of the property.

Marcus Kirkpatrick addressed the Board seeking approval for the contact with CA2E for the Mt. Hope Park. Four bids were received. Following the review of the proposals, staff from the Township recommends CA2E.

Trustee Fedewa expressed his wish for the consulting company to review the capacity of already existing recreational facilities to avoid duplication of surrounding infrastructure that may already be in place.

Treasurer Pizzo addressed concerns regarding costs to maintain the park when the final plans are approved for going forward. He inquired if this was part of the design and build costs. Kirkpatrick indicated this would be inclusive.

Trustee Kosinski is happy to see the project being looked at from a regional perspective. Demand and supply on a regional basis is important. He would like

to see the park be partially self-supporting at a minimum. Kirkpatrick feels that developing a multipurpose use park will aid in this regard.

TRUSTEE KOSINSKI MOVED THE TOWNSHIP BOARD CONTRACT THE PROFESSIONAL SERVICES C2AE, AT A COST OF \$12,500 UNLESS SUCH ADDITIONAL EXPENSES AS MAY BE REQUIRED ARE REVIEWED AND APPROVED BY THE TOWNSHIP MANAGER.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6 TO 0.

#### **XV. MANAGER'S REPORT –**

The Arden Road sidewalk is completed that connects the trail on the east to the church. Restoration is underway this week and it appears to be very nice.

The Canal Road and Williamsburg sidewalks under the Safe Routes to School Program are currently under construction and moving along. It appears concrete will be poured shortly.

Noise wall repairs are underway on Michigan Avenue. There were problems with seals on the walls. Significant progress is being made on this project.

Conference Room "C" is now complete and ready for use. Township Board work sessions will now take place in Room C.

#### **XVI. COMMITTEE OF THE WHOLE –**

##### **7. Manager Search Update –**

Supervisor Fletcher sent an email to all the Board Members along with three attachments. Mr. Watkins will be editing the draft brochure for technical facts and accuracy. Linda Wells is reviewing salary range information.

At this time, Clerk Clark indicated that feedback is welcome regarding content but layout is not on the table at this time for discussion.

Trustee Kosinski would first like to extend his compliments to Kathy Grinzinger for capturing the content and information from the prior meeting. He would suggest a short paragraph in the document that discusses the direction the Township is going to assist potential candidates. Specifically, this would include information regarding the development of the strategic plan, the ground-up redrafting of the zoning ordinances and to mention the commitment to development within the Township.

Treasurer Pizzo feels the term "laughter" could be replaced as it is easily

misinterpreted. Trustee Fedewa supported this change as well as Trustee Hicks.

Trustee Fedewa suggested “barely phased” could be re-worded and more artfully presented. The Township would like to replace the prior great service with great service. Trustee Kosinski suggested “artfully managed”. Further, Trustee Fedewa would like new wording to replace “coalescing cohesive solutions” as well. Trustee Mojica agrees.

Mr. Watkins indicated that the salary range needed to be addressed to move forward in getting the posting out to the public. A suggested range is \$90,000-\$110,000. Trustee Mojica supports the suggested range and feels the range provides the flexibility to set pay based on experience. Trustee Fedewa supports the range as well.

#### **8. Board of Water and Light Resolution**

A proposed resolution from Trustees Fedewa and Kosinski is reviewed and discussed by the Board Members regarding a voting position on the Board of Water and Light. This item will be added to a Committee of The Whole Discussion at a future date. It was noted that this Board passed a resolution on February 17, 2014 in support of a voting seat on the Board of Water and Light Board of Commissioners.

Trustee Fedewa “feels compelled to set the record straight over um, the public record that was ah, sent to all of you from Supervisor Fletcher in a Memo on June 30<sup>th</sup>, um, he had indicated that, um, I had contacted our contractor Kathy, ah, seeking a status update of her work and requesting a copy of her draft. I want to clarify his statement because that is incorrect.”

Trustee Hicks inquired if he actually said who it was.

Trustee Fedewa is “offering up that. He (Supervisor Fletcher) knows who it was as Kathy called him. So after not hearing anything for three weeks, I called her because if you all recall, the conclusion of our brainstorming meeting she hand her our card, her card rather, and asked us to contact her if we had any other thoughts, concerns, questions period, about anything, and I took her at her word. So, I called her. And, I said it has been three weeks, wondered when you, when the Board was going to hear anything and that is all I asked. I did not ask for any information or anything else. I just said, when do you think the Board might hear something from you. And then she replied I am hoping to get it done before the first, or rather July 4<sup>th</sup> weekend. I said that’s great. That’s great. It’s been three weeks, I just wanted to know why. So, there was other things that concerned me in that conversation but, ah, I don’t want to get into too much detail on it. But ah, Supervisor Fletcher’s memo was in error and if in fact, you know, I had been afforded the courtesy of a call, so he would have had both sides of the participants

of the conversation, I don't think that comment in his memo would have even, have been appeared at all. So, ah, I think I owed it to the Board to know exactly what went on and, ah, I think that if we are going to alleged that a Board Member has had a conversation or said something that, ah, a common courtesy amongst us that we actually talk to that Board Member. So, I will just leave it there and, um, hopefully we can learn, ah some lessons on this and my goal, I think all of us, have the goal that this is an open transparent and inclusive process as possible. And, there are ways that you can do that, ah, without necessarily having a vulnerable process that could potentially lead to um, information, um not necessarily being delivered in the right way. So, again, I just wanted to set it straight since it is already part of the record that Supervisor Fletcher sent and I wanted to alert the Board to exactly what had transpired. Thank you."

**XVII. PUBLIC COMMENTS – NONE.**

**XVIII. ADJOURNMENT –**

Clerk Clark adjourned the meeting at 6:53 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY R. CLARK, CLERK  
ACTING SUPERVISOR

HOWARD PIZZO, TREASURER  
ACTING SECRETARY